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09/276,207	03/25/1999	WILLIAM CARTER CARROLL BULLARD	10360/009001	1809

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EXAMINER

AKERS, GEOFFREY R

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 11/06/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/276207

Applicant(s)

Bulford

Examiner

Adams, g

Group Art Unit

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--The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address--

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 9/5/02
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-20 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-20 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s) _____
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

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DETAILED ACTION

Response to Appeal Brief

1. This communication is responsive to applicant's Appeal Brief(Paper #18) filed 9/5/02.
2. Prosecution is reopened.
3. Claims 1-20 are now pending.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, and 11-14 are rejected under 35 USC 103(a) as unpatentable over Egendorf(US Pat. No: 5,794,221) in view of Gell(US Pat. No: 5,802,502) and further in view of Ricken(US Pat. No:6,009,154).
6. As per claim 1 Egendorf teaches a computer implemented method(col 4 lines 40-56) comprising providing a computer network subscriber with a service having a first (customer) characteristic, observing at the network(col 1 lines 4-6)(col 1 line 54-col 2 line 8), that the provided service to the computer network subscriber has a second characteristic of vendor(col 2 lines 11-27) and billing the computer network subscriber for the service having the second characteristic of the vendor rather than for the service having the first characteristic(col 2 line 11-19)(col 2 lines 28-36)(col 4 line 56-col 5 line 10)(col 6 lines 36-46). Gell teaches billing the

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subscriber for the secure, cost effective (Abstract)(Fig 5a)(Fig 5b)(Fig 16)(Fig 17) networking transmission service(col 1 line 64-col 6 line 29) having the second characteristic with the vendor rather than the service having the first characteristic and teaches network security maintaining consequent quality of service for the customer(col 6 lines 16-25) and Ricken teaches a flexible rate billing structure based on the specific contract the user has with the provider(col 3 lines 5-12).It would have been obvious to one skilled in the art at the time of the invention to combine Egendorf in view of Gell to teach the above. The motivation to combine is to teach a system utilizing user negotiated equipment to achieve the optimum price for quality of service as enunciated by Gell(col 1 lines 45-56).It also would have been obvious to one skilled in the art at the time of the invention to combine Egendorf in view of Gell and further in view of Ricken to teach all the above. The motivation to combine is to teach a system utilizing user negotiated variable charging methods for communications as enunciated by Ricken(col 2 lines 12-21).

7. As per claim 2, Egendorf teaches the method of claim 1 wherein observing further comprises determining at the network that resources are not available for providing the first level of service(col 2 line 12) and, in response to said determination, providing a second level of secure networking transmission service(col 5 lines 43-60)(col 2 lines 11-50).

8. As per claim 3, Egendorf teaches the method of claim 2 wherein providing the second level(col 2 lines 11-27) of service further comprises reassessing and redefining the deployed networking transmission service(Fig 1)(Fig 3)(col 5 lines 50-55)(col 7 lines 1-10).

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9. As per claim 11 Egendorf teaches a computer implemented method(col 4 lines 40-56) comprising providing a computer network subscriber with a networking policy having a first level of service(col 1 lines 4-6)(col 1 line 54-col 2 line 8).Gell teaches billing the subscriber for the secure, cost effective (Abstract)(Fig 5a)(Fig 5b)(Fig 16)(Fig 17) networking transmission service(col 1 line 64-col 6 line 29) having the second characteristic with the vendor rather than the service having the first characteristic and teaches network security maintaining consequent quality of service for the customer(col 6 lines 16-25).Gell then teaches collecting data from the network using an accounting process that collects different kinds of metrics from the network, correlates the metrics to specified network flows, and relates the collected and correlated metrics back to the policy that was defined with the first level of service and billing the computer network subscriber for the networking policy having a second level of service. Ricken teaches a flexible rate billing structure based on the specific contract the user has with the provider(col 3 lines 5-12).It would have been obvious to one skilled in the art at the time of the invention to combine Egendorf in view of Gell to teach the above. The motivation to combine is to teach a system utilizing user negotiated equipment to achieve the optimum price for quality of service as enunciated by Gell(col 1 lines 45-56).It also would have been obvious to one skilled in the art at the time of the invention to combine Egendorf in view of Gell and further in view of Ricken to teach all the above. The motivation to combine is to teach a system utilizing user negotiated communications rates as enunciated by Ricken(col 2 lines 12-21).

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10. As per claim 12 Egendorf teaches the method of claim 11 further comprising providing an indication whether or not the policy with the first level of service is being satisfied(col 2 line 12).Gell teaches billing the subscriber for the secure, cost effective (Abstract)(Fig 5a)(Fig 5b)(Fig 16)(Fig 17) networking transmission service(col 1 line 64-col 6 line 29) having the second characteristic with the vendor rather than the service having the first characteristic and teaches network security maintaining consequent quality of service for the customer(col 6 lines 16-25) and Ricken teaches a flexible rate billing structure based on the specific contract the user has with the provider(col 3 lines 5-12).It would have been obvious to one skilled in the art at the time of the invention to combine Egendorf in view of Gell to teach the above. The motivation to combine is to teach a system utilizing user negotiated equipment to achieve the optimum price for quality of service as enunciated by Gell(col 1 lines 45-56).It also would have been obvious to one skilled in the art at the time of the invention to combine Egendorf in view of Gell and further in view of Ricken to teach all the above. The motivation to combine is to teach a system utilizing user negotiated rates for cummmunication by users as enunciated by Ricken(col 2 lines 12-21).

11. As per claim 13 Egendorf teaches the method of claim 11 comprising determining at the network that resources are not available for providing the transmission service at the first level of service and in response to this, providing a second level of networking service(col 5 lines 43-60)(col 2 lines 11-50).Gell teaches billing the subscriber for the secure, cost effective (Abstract)(Fig 5a)(Fig 5b)(Fig 16)(Fig 17) networking transmission service(col 1 line 64-col 6 line 29) having the second characteristic with the vendor rather than the service having the first

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characteristic and teaches network security maintaining consequent quality of service for the customer(col 6 lines 16-25) and Ricken teaches a flexible rate billing structure based on the specific contract the user has with the provider(col 3 lines 5-12).It would have been obvious to one skilled in the art at the time of the invention to combine Egendorf in view of Gell to teach the above. The motivation to combine is to teach a system utilizing user negotiated equipment to achieve the optimum price for quality of service as enunciated by Gell(col 1 lines 45-56).It also would have been obvious to one skilled in the art at the time of the invention to combine Egendorf in view of Gell and further in view of Ricken to teach all the above. The motivation to combine is to teach a system utilizing user negotiated communication rates as taught by Ricken(col 2 lines 12-21).

12. As per claim 14 Egendorf teaches the method of claim 13 wherein providing the second level(col 2 lines 11-27) of networking transmission service further comprises reassessing and redefining the deployed networking service(Fig 1)(Fig 3)(col 5 lines 50-55)(col 7 lines 1-10).

13. Claims 4-5 and 15-16 are rejected under 35 USC 103(a) as unpatentable over Egendorf(US Pat. No: 5,794,221) in view of Hilt(US Pat. No: 5,465,206) in view of Gell(US Pat. No: 5,802,502) and further in view of Ricken(US Pat. No:6,009,154).

14. As per claim 4, Hilt teaches the method of claim 3 wherein the process observes whether reassessment and redefining of the deployed networking transmission policy was successful(col

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13 line 67-col 14 line 31)(col 15 lines 2-55)(col 22 lines 2-17)(Fig 12/158/124).Gell teaches billing the subscriber for the secure, cost effective (Abstract)(Fig 5a)(Fig 5b)(Fig 16)(Fig 17) networking transmission service(col 1 line 64-col 6 line 29) having the second characteristic with the vendor rather than the service having the first characteristic and teaches network security maintaining consequent quality of service for the customer(col 6 lines 16-25) and Ricken teaches a flexible rate billing structure based on the specific contract the user has with the provider(col 3 lines 5-12).It would have been obvious to one skilled in the art at the time of the invention to combine Egendorf in view of Gell to teach the above. The motivation to combine is to teach a system utilizing user negotiated equipment to achieve the optimum price for quality of service as enunciated by Gell(col 1 lines 45-56).It also would have been obvious to one skilled in the art at the time of the invention to combine Egendorf in view of Gell and further in view of Ricken to teach all the above. The motivation to combine is to teach a system utilizing user negotiated communications rate charging system as enunciated by Ricken(col 2 lines 12-21). Finally it would have been obvious to one skilled in the art at the time of the invention to combine Egendorf in view of Gell in view of Ricken and further in view of Hilt to teach the above. The motivation is to teach a method for improved payment of bills over a network as enunciated by Hilt(col 10 lines 30-31).

15. As per claim 5, Hilt teaches the method of claim 1 further comprising determining whether there has been packet loss(col 16 line 57-col 17 line 13) and wherein determining packet loss includes deploying a packet detector monitor in the network to generate network accounting

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records that can be used to determine packet loss(Fig 6/160). Gell teaches billing the subscriber for the secure, cost effective (Abstract)(Fig 5a)(Fig 5b)(Fig 16)(Fig 17) networking transmission service(col 1 line 64-col 6 line 29) having the second characteristic with the vendor rather than the service having the first characteristic and teaches network security maintaining consequent quality of service for the customer(col 6 lines 16-25) and Ricken teaches a flexible rate billing structure based on the specific contract the user has with the provider(col 3 lines 5-12).It would have been obvious to one skilled in the art at the time of the invention to combine Egendorf in view of Gell to teach the above. The motivation to combine is to teach a system utilizing user negotiated equipment to achieve the optimum price for quality of service as enunciated by Gell(col 1 lines 45-56).It also would have been obvious to one skilled in the art at the time of the invention to combine Egendorf in view of Gell and further in view of Ricken to teach all the above. The motivation to combine is to teach a system utilizing user negotiated rates as enunciated by Ricken(col 2 lines 12-21). It would also have been obvious to one skilled in the art at the time of the invention to combine Egendorf in view of Gell in view of Ricken in view of Hilt to teach the all above. The motivation is to teach a method for improved payment of bills over a network as enunciated by Hilt(col 10 lines 30-31).

16. As per claim 15, Hilt teaches the method of claim 14 wherein the process observes whether reassessment and redefining of the deployed networking transmission policy was successful(col 13 line 67-col 14 line 31)(col 15 lines 2-55)(col 22 lines 2-17)(Fig 12/158/124).Gell teaches billing the subscriber for the secure, cost effective (Abstract)(Fig 5a)(Fig 5b)(Fig 16)(Fig 17)

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networking transmission service(col 1 line 64-col 6 line 29) having the second characteristic with the vendor rather than the service having the first characteristic and teaches network security maintaining consequent quality of service for the customer(col 6 lines 16-25) and Ricken teaches a flexible rate billing structure based on the specific contract the user has with the provider(col 3 lines 5-12).It would have been obvious to one skilled in the art at the time of the invention to combine Egendorf in view of Gell to teach the above. The motivation to combine is to teach a system utilizing user negotiated equipment to achieve the optimum price for quality of service as enunciated by Gell(col 1 lines 45-56).It also would have been obvious to one skilled in the art at the time of the invention to combine Egendorf in view of Gell and further in view of Ricken to teach all the above. The motivation to combine is to teach a system utilizing user negotiated system for communications rates as enunciated by Ricken(col 2 lines 12-21).Finally, it would have been obvious to one skilled in the art at the time of the invention to combine Egendorf in view of Gell in view of Ricken and further in view of Hilt to teach all the above. The motivation to combine is to teach an improved method of paying bills over the Internet as enunciated by Hilt(col 10 lines 30-31).

17. As per claim 16, Hilt teaches the method of claim 11 further comprising determining whether there has been packet loss(col 16 line 57-col 17 line 13) and wherein determining packet loss includes deploying a packet detector monitor in the network to generate network accounting records that can be used to determine packet loss(Fig 6/160).Gell teaches billing the subscriber for the secure, cost effective (Abstract)(Fig 5a)(Fig 5b)(Fig 16)(Fig 17) networking transmission

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service(col 1 line 64-col 6 line 29) having the second characteristic with the vendor rather than the service having the first characteristic and teaches network security maintaining consequent quality of service for the customer(col 6 lines 16-25) and Ricken teaches a flexible rate billing structure based on the specific contract the user has with the provider(col 3 lines 5-12).It would have been obvious to one skilled in the art at the time of the invention to combine Egendorf in view of Gell to teach the above. The motivation to combine is to teach a system utilizing user negotiated equipment to achieve the optimum price for quality of service as enunciated by Gell(col 1 lines 45-56).It also would have been obvious to one skilled in the art at the time of the invention to combine Egendorf in view of Gell and further in view of Ricken to teach all the above. The motivation to combine is to teach a system utilizing user negotiated communications rates as enunciated by Ricken(col 2 lines 12-21). Finally, it would have been obvious to one skilled in the art at the time of the invention to combine Egendorf in view of Gell in view of Ricken and further in view of Hilt to teach all the above. The motivation to combine is to teach a system for proper billing of users over the internet as enunciated by Hilt(col 10 lines 30-31).

18. Claims 6-10 and 17-20 are rejected under 35 USC 103(a) as unpatentable over Egendorf(US Pat. No: 5,794,221) in view of Melen(US Pat. No: 5,956,391)in view of Gell(US Pat. No: 5,802,502) and further in view of Ricken(US Pat. No:6,009,154).

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19. As per claim 6, Melen teaches the method of claim 1 wherein the providing further comprises establishing a differentiated services policy that is decomposed into a collection of configurations and deployed in a network(col 6 line 26-col 7 line 8). Gell teaches billing the subscriber for the secure, cost effective (Abstract)(Fig 5a)(Fig 5b)(Fig 16)(Fig 17) networking transmission service(col 1 line 64-col 6 line 29) having the second characteristic with the vendor rather than the service having the first characteristic and teaches network security maintaining consequent quality of service for the customer(col 6 lines 16-25) and Ricken teaches a flexible rate billing structure based on the specific contract the user has with the provider(col 3 lines 5-12). It would have been obvious to one skilled in the art at the time of the invention to combine Egendorf in view of Gell to teach the above. The motivation to combine is to teach a system utilizing user negotiated equipment to achieve the optimum price for quality of service as enunciated by Gell(col 1 lines 45-56). It also would have been obvious to one skilled in the art at the time of the invention to combine Egendorf in view of Gell and further in view of Ricken to teach all the above. The motivation to combine is to teach a system utilizing user negotiated communications rates structure as enunciated by Ricken(col 2 lines 12-21). It would have been obvious to one skilled in the art at the time of the invention to combine Egendorf in view of Melen to teach the above. The motivation to combine is to teach a method of billing on the Internet for Internet based transactions as enunciated by Melen(col 3 lines 63-col 4 line 10) assuring accuracy.

20. As per claim 7, Melen teaches the method of claim 1 wherein the providing further comprises deploying the configurations to a collection of routers(Fig 1/6/10) or switches(Fig 1/4) that the

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customer would have access to in the network(Fig 1/1/2). It would have been obvious to one skilled in the art at the time of the invention to combine Egendorf in view of Gell in view of Rickn in view of Melen to teach the above. The motivation to combine is to teach a method of billing on the Internet for Internet based transactions as enunciated by Melen(col 3 lines 63-col 4 line 10) assuring accuracy utilizing a network for aggregating quality data for subsequent use from a plurality of routers.

21. As per claim 8, Melen teaches the method of claim 1 wherein observing observes a large number of network flows(Fig 2)(Fig 3).Gell teaches billing the subscriber for the secure, cost effective (Abstract)(Fig 5a)(Fig 5b)(Fig 16)(Fig 17) networking transmission service(col 1 line 64-col 6 line 29) having the second characteristic with the vendor rather than the service having the first characteristic and teaches network security maintaining consequent quality of service for the customer(col 6 lines 16-25) and Ricken teaches a flexible rate billing structure based on the specific contract the user has with the provider(col 3 lines 5-12).It would have been obvious to one skilled in the art at the time of the invention to combine Egendorf in view of Gell to teach the above. The motivation to combine is to teach a system utilizing user negotiated equipment to achieve the optimum price for quality of service as enunciated by Gell(col 1 lines 45-56).It also would have been obvious to one skilled in the art at the time of the invention to combine Egendorf in view of Gell and further in view of Ricken to teach all the above. The motivation to combine is to teach a system utilizing user negotiated rates as enunciated by Ricken(col 2 lines 12-21). It would have been obvious to one skilled in the art at the time of the invention to

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combine Egendorf in view of Gell in view of Ricken in view of Melen to teach the above. The motivation to combine is to teach a method of billing on the Internet for Internet based transactions as enunciated by Melen(col 3 lines 63-col 4 line 10) assuring accuracy.

22. As per claim 9, Melen teaches the method of claim 8 wherein observing further comprises using an accounting process that produces information at a granularity level at which the policies are actually deployed(Fig 3)(col 9 lines 33-49). Gell teaches billing the subscriber for the secure, cost effective (Abstract)(Fig 5a)(Fig 5b)(Fig 16)(Fig 17) networking transmission service(col 1 line 64-col 6 line 29) having the second characteristic with the vendor rather than the service having the first characteristic and teaches network security maintaining consequent quality of service for the customer(col 6 lines 16-25) and Ricken teaches a flexible rate billing structure based on the specific contract the user has with the provider(col 3 lines 5-12).It would have been obvious to one skilled in the art at the time of the invention to combine Egendorf in view of Gell to teach the above. The motivation to combine is to teach a system utilizing user negotiated equipment to achieve the optimum price for quality of service as enunciated by Gell(col 1 lines 45-56).It also would have been obvious to one skilled in the art at the time of the invention to combine Egendorf in view of Gell and further in view of Ricken to teach all the above. The motivation to combine is to teach a system utilizing user negotiated rates as enunciated by Ricken(col 2 lines 12-21). It would have been obvious to one skilled in the art at the time of the invention to combine Egendorf in view of Gell in view of Ricken in view of Melen to teach the above. The motivation to combine is to teach a method of billing on the Internet for Internet

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based transactions as enunciated by Melen(col 3 lines 63-col 4 line 10) assuring accuracy and to teach an accounting process from which to develop policy on information use.

23. As per claim 10, Melen teaches the method of claim 9 wherein the policies are deployed at source and destination IP address, protocol and/or destination port level(col 4 line 53-col 5 line 35).It would have been obvious to one skilled in the art at the time of the invention to combine Egendorf in view of Melen to teach the above. The motivation to combine is to teach a method of billing on the Internet for Internet based transactions as enunciated by Melen(col 3 lines 63-col 4 line 10) assuring accuracy and to teach a network for establishing data policies at source and destination levels in the throughput process.

24. As per claim 17, Melen teaches the method of claim 11 wherein the providing further comprises establishing a differentiated services policy that is decomposed into a collection of configurations and deployed in a network(col 6 line 26-col 7 line 8).Gell teaches billing the subscriber for the secure, cost effective (Abstract)(Fig 5a)(Fig 5b)(Fig 16)(Fig 17) networking transmission service(col 1 line 64-col 6 line 29) having the second characteristic with the vendor rather than the service having the first characteristic and teaches network security maintaining consequent quality of service for the customer(col 6 lines 16-25) and Ricken teaches a flexible rate billing structure based on the specific contract the user has with the provider(col 3 lines 5-12).It would have been obvious to one skilled in the art at the time of the invention to combine Egendorf in view of Gell to teach the above. The motivation to combine is to teach a system utilizing user negotiated equipment to achieve the optimum price for quality of service as

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enunciated by Gell(col 1 lines 45-56).It also would have been obvious to one skilled in the art at the time of the invention to combine Egendorf in view of Gell and further in view of Ricken to teach all the above. The motivation to combine is to teach a system utilizing user negotiated rate structure as enunciated by Ricken(col 2 lines 12-21). It would have been obvious to one skilled in the art at the time of the invention to combine Egendorf in view of Gell in view of Ricken in view of Melen to teach the above. The motivation to combine is to teach a method of billing on the Internet for Internet based transactions as enunciated by Melen(col 3 lines 63-col 4 line 10) assuring accuracy.

25. As per claim 18, Melen teaches the method of claim 11 wherein the providing further comprises deploying the configurations to a collection of routers(Fig 1/6/10) or switches(Fig 1/4) that the customer would have access to in the network(Fig 1/1/2).Gell teaches billing the subscriber for the secure, cost effective (Abstract)(Fig 5a)(Fig 5b)(Fig 16)(Fig 17) networking transmission service(col 1 line 64-col 6 line 29) having the second characteristic with the vendor rather than the service having the first characteristic and teaches network security maintaining consequent quality of service for the customer(col 6 lines 16-25) and Ricken teaches a flexible rate billing structure based on the specific contract the user has with the provider(col 3 lines 5-12).It would have been obvious to one skilled in the art at the time of the invention to combine Egendorf in view of Gell to teach the above. The motivation to combine is to teach a system utilizing user negotiated equipment to achieve the optimum price for quality of service as enunciated by Gell(col 1 lines 45-56).It also would have been obvious to one skilled in the art at

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the time of the invention to combine Egendorf in view of Gell and further in view of Ricken to teach all the above. The motivation to combine is to teach a system utilizing user negotiated rates as enunciated by Ricken(col 2 lines 12-21). It would have been obvious to one skilled in the art at the time of the invention to combine Egendorf in view of Gell in view of Ricken in view of Melen to teach the above. The motivation to combine is to teach a method of billing on the Internet for Internet based transactions as enunciated by Melen(col 3 lines 63-col 4 line 10) assuring accuracy and to teach a network for aggregating quality data for subsequent use from a plurality of routers.

26. As per claim 19, Melen teaches the method of claim 11 wherein observing further comprises using an accounting process that produces information at a granularity level at which the policies are actually deployed(Fig 3)(col 9 lines 33-49).Gell teaches billing the subscriber for the secure, cost effective (Abstract)(Fig 5a)(Fig 5b)(Fig 16)(Fig 17) networking transmission service(col 1 line 64-col 6 line 29) having the second characteristic with the vendor rather than the service having the first characteristic and teaches network security maintaining consequent quality of service for the customer(col 6 lines 16-25) and Ricken teaches a flexible rate billing structure based on the specific contract the user has with the provider(col 3 lines 5-12).It would have been obvious to one skilled in the art at the time of the invention to combine Egendorf in view of Gell to teach the above. The motivation to combine is to teach a system utilizing user negotiated equipment to achieve the optimum price for quality of service as enunciated by Gell(col 1 lines 45-56).It also would have been obvious to one skilled in the art at the time of the invention to

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combine Egendorf in view of Gell and further in view of Ricken to teach all the above. The motivation to combine is to teach a system utilizing user negotiated rates as enunciated by Ricken(col 12 lines 12-21). It would have been obvious to one skilled in the art at the time of the invention to combine Egendorf in view of Gell in view of Ricken in view of Melen to teach the above. The motivation to combine is to teach a method of billing on the Internet for Internet based transactions as enunciated by Melen(col 3 lines 63-col 4 line 10) assuring accuracy and to teach an accounting process from which to develop policy on information use.

27. As per claim 20, Melen teaches the method of claim 19 wherein the policies are deployed at source and destination IP address, protocol and/or destination port level(col 4 line 53-col 5 line 35).Gell teaches billing the subscriber for the secure, cost effective (Abstract)(Fig 5a)(Fig 5b)(Fig 16)(Fig 17) networking transmission service(col 1 line 64-col 6 line 29) having the second characteristic with the vendor rather than the service having the first characteristic and teaches network security maintaining consequent quality of service for the customer(col 6 lines 16-25) and Ricken teaches a flexible rate billing structure based on the specific contract the user has with the provider(col 3 lines 5-12).It would have been obvious to one skilled in the art at the time of the invention to combine Egendorf in view of Gell to teach the above. The motivation to combine is to teach a system utilizing user negotiated equipment to achieve the optimum price for quality of service as enunciated by Gell(col 1 lines 45-56).It also would have been obvious to one skilled in the art at the time of the invention to combine Egendorf in view of Gell and further in view of Ricken to teach all the above. The motivation to combine is to teach a system utilizing

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user negotiated rates as enunciated by Ricken(col 2 lines 12-21). It would have been obvious to one skilled in the art at the time of the invention to combine Egendorf in view of Gell in view of Ricken in view of Melen to teach the above. The motivation to combine is to teach a method of billing on the Internet for Internet based transactions as enunciated by Melen(col 3 lines 63-col 4 line 10) assuring accuracy and to teach a network for establishing data policies at source and destination levels in the throughput process.

Response to Arguments

28. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

29. **THIS ACTION IS MADE NON-FINAL.**

Any questions regarding this communication may be directed to the examiner, Dr. Geoffrey Akers, P.E. who can be telephoned at (703)-306-5844 between the hours of 6:30 AM and 5:00 PM Monday through Friday. If attempts to contact the examiner are unsuccessful, the examiner's supervisor, Mr. Vincent Millin, SPE may be contacted at (703)-308-1065.

GRA

October 31, 2002

